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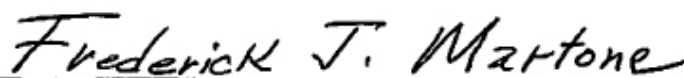
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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Spirit Master Funding III LLC, ) No. CV 12-02270-PHX-FJM  
9 Plaintiff, ) **ORDER**  
10 vs. )  
11 )  
12 J Philip Cornett; James E. Cornett, III, )  
13 Defendants. )  
14

15 On October 29, 2013, we entered our order giving plaintiff until December 30, 2013 to  
16 advise whether the bankruptcy stay had been lifted, or its motion to lift the stay had not yet  
17 been ruled on by the bankruptcy court. (Doc. 29). This was to give the parties an  
18 opportunity to decide whether they would litigate this case here in the district court, or in the  
19 bankruptcy court. We advised the parties that we would not allow this case to languish on  
20 our docket.

21 December 30<sup>th</sup> has come and gone and the docket indicates that nothing has been filed to  
22 give us such advice. Accordingly, pursuant to our Order of Oct. 29, 2013 (doc. 29), it is  
23 ORDERED dismissing this action against both defendants without prejudice.

24 DATED this 7<sup>th</sup> day of January, 2014.

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27 Frederick J. Martone  
28 Senior United States District Judge